

LAST FIGHT IN A BIG CASE.

Contest Over the Fayerweather Millions Up in the Court of Appeals.

Fund's Trustees and Executors of the Widow Against Colleges.

General Term Originally Decided the Suit in Favor of the Institutions.

OVER \$2,500,000 IN THE BALANCE.

Such a Large Number of Eminent Lawyers Has Not Been Seen Together in Many Years in Albany as on the Present Occasion.

Albany, Dec. 1.—Argument in the famous Fayerweather will case, which came up this morning in the Court of Appeals, was opened at 10:15 o'clock by Colonel Edward C. James, for the appellants.

There had previously been some discussion as to how much time should be allowed to the numerous interests represented.

The Court said that the arguments could proceed on the assumption that they would be concluded in six hours. If more time should be needed it would be granted.

Such a large number of eminent lawyers has not been congregated in many years in the Court of Appeals as in attendance in connection with this will case. The appearances for the appellants were James C. Carter and B. B. Brownell, for the trustees under the deed of gift made by the executors; Colonel Edward C. James and William Blaikie for the widows, executors and next to kin; C. N. Bowie, Jr., and General Stewart L. Woodford, for Executor Ritch; Edward Winslow Page and Henry Van Ness Phillips, for Executors Bulkley and Vaughan; and Charles M. Earle, for the Manhattan Dispensary, of New York City.

Argued Till Thursday.

The appearances for the respondents were: James L. Bishop, for Amherst College; Horace Russell, for Dartmouth College; Martin W. Cooke, for the Rochester University; Ellin Root, for Hamilton College; William B. Purroy, for Williams College; Alfred W. Riddle, for the North-western University; and William B. Hornblower and Howard A. Taylor, for the Lincoln University. It is expected that the arguments will not be finished before Thursday.

The fight involves over \$2,500,000. Daniel B. Fayerweather was a wealthy lumber merchant of New York City. He died in 1880, leaving a fortune of \$5,000,000. Mr. Fayerweather left no children, but a wife and three nieces, Mrs. Mary W. Achter, Emma S. Fayerweather and Mrs. Lucy J. Heardsley, were named as his next of kin. The widow was left \$100,000 in cash, the residue in New York City, worth \$100,000, and an annuity of \$15,000 in lieu of her dower rights. Mrs. Heardsley was left \$100,000 and the other two nieces \$20,000 each.

By the eighth paragraph of the will bequests were made to several hospitals in New York City. Of the remaining \$4,500,000 about half each was left to twenty colleges and universities and to the residuary legatees.

Under the ninth paragraph of the will bequests were made to twenty colleges throughout the country, aggregating \$2,150,000. All the bequests made by the eighth and ninth paragraphs have been paid. By the tenth article of the will, as originally constructed, Mr. Fayerweather directed that the residue of the estate, amounting to \$2,500,000, be held in trust and be divided equally among twenty colleges throughout the country. The original will was dated October 6, 1884, but it was made as late as November 15, 1890, the day of Mr. Fayerweather's death. The article of the will was revoked, and the residue was devised and bequeathed to D. L. Boutwell, Thomas G. Ritch and Henry B. Vaughan, to them and their heirs forever.

Widow's Annuity Increased.

Proceedings were begun to probate the will, but the widow and three nieces objected, charging undue influence and fraud, and that the testator was of unsound mind. The probate of the will, the residuary legatees increased the annuity of Mrs. Fayerweather and gave her an additional \$25,000 in cash. Mrs. Heardsley was given \$100,000 and the two other nieces each had their bequests increased. The widow and nieces then withdrew their objection, and the will was probated. The residuary legatees by a deed of gift distributed the remainder of the residue, amounting to about \$2,150,000, among a number of colleges and charitable institutions.

The only colleges mentioned in the ninth article of the will which are remembered by the legatees are: Columbia, Wesleyan, Lafayette, Maryville, Wabash, Marquette and Yale. The remaining thirteen colleges named in that article are ignored, and the trustees of several of them brought suit to establish a trust as to the residuary estate in the residuary legatees.

TRAIN GROUND HER TO PIECES.

Old Woman Killed at a Dangerous Crossing.

Which the Road Refused to Protect.

Hackensack, N. J., Dec. 1.—The New Jersey & Newark Railroad, now operated by the Erie Railroad Company, was indicted by the Bergen County Grand Jury for failure to protect three or four of the most dangerous of railroad crossings in Hackensack, but nothing ever came of it. This afternoon a shocking accident occurred at the Clinton place crossing, in which Mrs. George Ryder, sixty-five years old, was instantly killed by a passenger train.

Mrs. Ryder, for the last several years, has peddled fruit and vegetables in Hackensack, attempted to drive across the tracks ahead of the train in a covered wagon, though it is believed that the old woman never saw or heard the train, her wagon cover hiding it from view. Engineer French had just started before he saw the wagon approaching the tracks, and the train was moving along at about fifteen miles an hour when the collision occurred. The engine tore the wagon in two, and bore the woman to the ground, where she was ground to pieces. She leaves a husband and son and considerable property.

Burlington Makes Another Cut.

Galesburg, Ill., Dec. 1.—A notice was posted in the Chicago, Burlington & Quincy shops here last night reducing the hours of the large force of workmen to thirty-two hours a week. It was the first of a general order that has been applied over the system, and supplements one made a month ago, which reduced the hours of the men to thirty-two. A number of train crews were also laid off. The company's officers here say that the cut results from the extreme sickness of business.

School Census Supervisor Appointed.

Trenton, N. J., Dec. 1.—The State Board of Education met this morning and re-elected Dr. Lloyd Witham, of Mercer County, Supervisor of the State School Census, his term having expired to-day.

WHIPPED AN S. P. C. A. MAN

Girl Who Says He Spoke Ill of Her Uses a Rawhide with Marked Effect.

James Capp, an officer of the Hudson County N. J. S. P. C. A., was horse-whipped in front of Bahls's saloon, Union street, Union Hill, last night, by Kitty Larkins, a pretty brunette, eighteen years old, of No. 412 Union street. She says he has circulated tales about her.

Capp was conversing with a friend when Miss Larkins appeared. She exclaimed, "You're the man I've been looking for. I'll teach you to insult me." Drawing a rawhide from under her coat she brought it down upon Capp's shoulders. Miss Larkins piled the whip rapidly. A large crowd gathered and cheered encouragement to the girl. Capp dashed into a saloon, and his friends took the whip away from Miss Larkins's allegations. He says that he never met her, that he never said anything affecting her character, and that she mistook him for some one else.

MARABITO'S LIFE AT STAKE.

Prosecution Attempts to Prove That He Killed Matuas for Revenge.

District-Attorney Backus, of Brooklyn, is trying to show that a deep-seated hatred caused Rocco Marabito to murder Michael Matuas, his foreman, on October 10. Marabito's trial began in the County Court yesterday forenoon. The murdered man was foreman for the Citizen's Branch of the Brooklyn Union Gas Company, and Marabito was a laborer in his gang. They were both employed by Superintendent Brown, of the gas company.

The theory of the defense is that the defendant is insane. Marabito is a Sicilian, about fifty years old. Angelo Parica, of No. 272 Ellery street, who was one of the laborers employed under Matuas, testified that the foreman had a habit of assailing all of the Italian laborers from 5 cents to 25 cents a day for beer money. Marabito strongly objected to this. Matuas would take the beer thus purchased and drink with the workmen who were of his own nationality. He testified that the foreman used to discriminate against Marabito in other respects. This led to frequent quarrels between the two men, and they often came to blows.

"Now, see here, Rocco," said Superintendent Brown, on May 10, "I can't stand any more of this fighting, you must go."

"That man Mike licked me. Why do you discharge me?" said Rocco.

"You clear out; I'll put an end to all this quarreling," replied the Superintendent.

LUQUER-PIERREPONT.

Two of the Oldest Families in Brooklyn United by Marriage.

Miss Anne Low Pierrepont was married to Lea Melville Luquer yesterday in the presence of a distinguished company, at Grace Episcopal Church, Brooklyn. The bride and bridegroom are members of the oldest families in the city, and their marriage brought out many society notables.

The bride, who wore an ivory white satin gown, entered the church on the arm of her father, Henry E. Pierrepont. She was attended by Miss Pierrepont, Miss Mary Jay of New York; the Misses Marian W. Leavelle, C. Low, Miss Elise Luquer and Miss Alice Brinsmade. They wore white gowns and picture hats of pale pink chiffon and white lace with black velvet knots.

The bride's brothers, Katherine S. and Seth Low Pierrepont, were the bridesmaids. Mr. Luquer, brother of Mr. Luquer, was best man.

The nuptial knot was tied by the Rev. Lea Luquer, father of the bridegroom, and the Rev. Dr. Chamney B. Brewster, Bishop of the Episcopal Diocese of New York. The ceremony was followed by a reception at Mr. Pierrepont's residence, No. 216 Columbia Heights.

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MAYHEW'S HOPE IN WAYNES.

Condemned Murderer's Attempt to Secure a New Trial.

John Waynes, the negro who is serving a term of fifteen years in Sing Sing for the part which he admittedly took in the murder of old Stephen Powell, of Hempstead, in March last, will in all likelihood be taken from Sing Sing to the Long Island City Jail to-day, in order to be examined before Supreme Court Justice Martin J. Keogh, in Brooklyn, to-morrow, when Lawyer Charles W. Brooke will endeavor to secure a new trial for Arthur Mayhew.

Mayhew was to have been electrocuted some time ago, but his lawyers, upon whose confession he was convicted of the murder of Powell, retracted his original statement and made an affidavit before Justice Keogh that he was innocent, claiming both himself and Mayhew of any part in the crime.

"I have no credence whatever to Wayne's last confession," said District Attorney Noble yesterday. "In the interests of justice, however, I have decided to grant him a new trial. He is a dangerous man, and I am giving him an opportunity of repeating his second and latest confession, and making such explanation as he may wish to propose to the justice who will preside at the trial."

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STANDARD OIL'S SCHEME FAILS.

Bought Up Opposition Concerns in Germany to Control the Trade.

Rival American Companies Thus Were Cut Off from Marketing Their Product.

Americans Form a New Company to Do Business Again in German Cities.

NEW PLANT WILL BE IN HAMBURG.

Another \$5,000,000 Company Formed Abroad to Carry on the Petroleum and Refined Oil Business in Opposition to the Standard.

The Standard Oil octopus for at least once in its history has overreached itself. The high Goebel & Trube, members of the New York Produce Exchange and large exporters of petroleum, both crude and refined, it purchased all the opposition con-

cerns in Germany which handled American illuminating oil in competition with itself. These houses consisted of the Mannheim Export Company, of Mannheim, Germany, and Rassow, Yung & Co., of Bremen. A new company was formed by Goebel & Trube, which took over the business of the purchased firms, known as the Mannheim-Bremen Petroleum Aetengesellschaft.

Both of these firms had previously handled exclusively the oils refined by the Columbia Oil Company and the United States Pipe Line, with works at Constatine Hook, N. J. These are the two important sources of the Standard Oil Company. When they lost the German trade through the transaction of Goebel & Trube there was absolutely no outlet for the independent American oils.

Here it was that the Standard found that its bottling up scheme was not to be a success. President Emory, of the United States Pipe Line, and Messrs. Kirk, of the Pure Oil Company, and Murphy, of the Columbia Oil Company, went to Europe to seek new connections for independent oil.

The could not find a desirable connection abroad, as all stood in fear of the Standard Oil octopus and its Russian allies. The only course left was to establish a plant of their own. This was done.

Hamburg was selected as the best location for the receiving plant, and tanks, docks and shipping facilities were promptly secured by the American, H. B. Berwald, placed in charge as a resident director. The venture has thus far proved successful, and the Columbia Oil Company is now shipping all its product to the station at Hamburg, where it is distributed to points in Europe.

This opposition to the Standard Oil Company is not the only fight which that monopoly has on its hands in Europe. According to cable advice received yesterday, a company with \$5,000,000 capital is about to be formed in Europe to carry on the petroleum and refined oil business. It will probably be formed in London, where several bankers and brokers are trying to secure the work of floating its stock.

Another surprise, however, was reported to be in the field for the Standard Oil Company. Rumors have been current in the oil trade for some time that a gigantic European opposition to the Standard Oil Company, and this news by cable is believed to refer to such a company. It was supposed in some quarters that it was to be formed in the interest of the Columbia Oil Company and its allies, but President King, of that company, said yesterday that that was not the case.

BRIDE FOR A DAY ONLY.

Wife Alleges That Her Husband Deserted Her After the Wedding Feast.

Catherine J. Harris is suing her husband, Henry N., for a separation. The case came up in the Supreme Court, Brooklyn, yesterday, on a motion for counsel fee and alimony.

The couple were married December 16, 1880. After the wedding dinner he said he had put up and left the house. He said he was going to Willets Point, and did not intend to live with her. Her child was born the next April. He had never seen it and never gave her a cent toward its support. The child died on September 31, 1885.

Soon after this the husband called at the candy store, No. 22 Franklin street, where he was working, and told her he would kill her on sight. That night he followed her and would have struck her down, she declares, had not her brother interfered. He was passing at the time and saw his sister's peril.

Justice Van Wyck yesterday granted her \$4 a week alimony and \$50 counsel fee pending the trial.

METEOR LIGHTS A SHIP'S COURSE.

Speeds Over Her Bows in Mid-Ocean Like a Solid Shot.

Drops Into the Sea, Leaving a Long Trail of Light in Its Wake.

The Wilkommen Was Pelted with Hail and Her Decks Swept by a Hurricane.

BIG WAVE THEN TOSSED HER.

When the Steamship Put Into Port at North Sidney Her Supply of Coal Was Exhausted and She Was Badly Battered.

All of nature's forces apparently were arrayed in succession against the German tank steamship Wilkommen on the voyage she completed yesterday from Danzig. She was swept by hurricanes, battered by gales, snow squalls and head seas, and, by

In the crowd of hurrying, scrambling, homeward bound people which filled the approach to the Brooklyn Bridge just before 6 o'clock last night was one man who was pushed hither and thither by the men and women who were elbowing their way in their eager desire to reach the cars. No one noticed him, and he paid no attention to those who crowded him out of their way. Hemmed in on all sides, he was half forced along the inclined path which leads from Park Row to the ticket sellers' boxes. Back of him was a mob of men and women against which it was hard work to make one's way. Ahead of him were the lights of the trains and the gloomy sky which showed above the faint outlines of the bridge towers. Jostled on one side and then on the other, he was shoved along until he was close to the entrance to the promenade.

There the walk narrows, and the crowd of humanity was even more congested. When he reached that point the man stopped and looked around. He seemed to realize that he was walking with no destination in view, and, edging his way through the crowd, stood in a small clear space left by the throng as it separated at the stairways leading to the platforms.

The Shot Fired.

For a moment he stood irresolute. Then he straightened himself, and reaching quickly into the side pocket of his coat, drew out a small revolver. Hundreds of persons saw the action, but before they could realize what it meant, the man had placed the muzzle of the weapon to his right temple and had fired. As his limp body sank to the pavement a scream from some of the many women who had seen the act of the man caused the crowd to stop in its struggle to reach the trains. In a moment the body of the young man was surrounded by hundreds of persons. Others who had heard the report of the revolver came down from the platforms and crowded up from the street and craned their necks and stood on tip-toe in their desire to learn what had happened.

The bride's brothers, Katherine S. and Seth Low Pierrepont, were the bridesmaids. Mr. Luquer, brother of Mr. Luquer, was best man.

Miss Fannie Tailer.

The announcement of the engagement of Miss Fannie Tailer to Mr. Sidney T. Smith was made some time ago. Invitations to the ceremony have now been issued. The wedding will take place at Grace Church, on December 17. About 3,000 cards of invitation have been sent out. A reception will follow at the residence of the bride's parents, Mr. and Mrs. Edward N. Tailer, No. 11 Washington square north.

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CHARLES OLSON SHOT HIMSELF

On the Brooklyn Bridge Approach.

It Was at the "Rush Hour," When Thousands Are Hurrying Home.

Many Women Witnessed the Despondent Man's Desperate Act.

ALL TRIED TO GET A LOOK AT THE BODY

Without Work, Home or Friends, the Young Man Decided There Was Nothing Left to Live For.

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HOSTS' MOURN FOR STEINWAY.

Messages of Grief at His Death Pour in from Everywhere.

Ignace Paderewski Sends a Cablegram of Condolence to the Family.

Funeral to Be Held This Afternoon in the Hall of the Liederkranz.

SONG SERVICE TO BE RENDERED

Maennerchor and Members of the Metropolitan Opera House Company Pay Vocal Tribute to the Dead Man.

The funeral of the late William Steinway will be conducted from the hall of the Liederkran